

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE		PAGE OF PAGES	
				1		2	
2. AMENDMENT/MODIFICATION NO. 0003		3. EFFECTIVE DATE 23-Mar-2001		4. REQUISITION/PURCHASE REQ. NO. W16ROE-0354-0461		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN: CENAN-CT ROOM 1843 26 FEDERAL PLAZA (DACW51) NEW YORK NY 10278-0090		CODE DACW51		7. ADMINISTERED BY (If other than item 6) See Item 6		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. DACW51-01-B-0008	
				X		9B. DATED (SEE ITEM 11) 31-Jan-2001	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended.							
Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) This amendment is issued to extend the due date for proposal submission to 6 April 2001 at 11:00 A.M., answer questions concerning the solicitation and make the enclosed changes to the solicitation. All other terms and conditions of the solicitation remain in full force and effect.							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 23-Mar-2001	

Specification Changes

SECTION 00902

1. Page 00902-11, Add new pages 00902-12 (Amend. 3) and 00902-13 (Amend. 3) at the end of Page 00902-11, which accompany.

SECTION 02220

1. Page 02220-4, At the end of Section 02220, Add a new page 02220-5 (Amend. 3), which accompanies.
2. This Amendment shall be attached to the drawings and specifications and shall be a part of thereof.

The following questions and answers are provided for information only. Nothing contained below amends or revises any provision of the solicitation.

Questions and Answers

FOR INFORMATION PURPOSES ONLY

Question: In the New York State DEC permit included in Specification Section 00902, Special Condition 21 states "Dredging is prohibited during the period of November 15 – May 31 in any portion of Contract Reach 3 determined through biological monitoring...". It appears from the July 8, 1998 memo included in Section 00902 that monitoring has been ongoing since September 1998. Does the Corps have in possession information from this biological monitoring indicating whether or not this dredging window will be enforced? If so, what are the results of this monitoring in regards to enforcement of this dredging window?

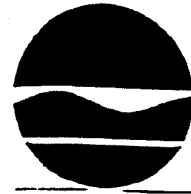
Answer: This requirement has been deleted by the NY DEC. See Page 00902-12 (Amend. 3) and 00902-13 (Amend. 3), which accompanies. Therefore, the provision for a seasonal dredging window from November 15 – May 31 is not required.

Question: Amendment #2 instructs bidders to attach a new page, 02220-5, to the Contract Specifications. This page appears not to be included in the amendment. Please clarify.

Answer: The page 02220-5 was accidentally omitted from amendment 0002 and is attached herewith this amendment. The due date for submission of proposals is extended to **6 April 2001 at 11:00 A.M. Eastern Standard Time.** Proposals received after the specified time will be late and shall not be considered.

Each offeror must acknowledge this amendment prior to the hour and date specified by; completing items 8 and 15 of this form and returning one copy of this amendment to this office; or acknowledging receipt of this amendment on each copy of the offer submitted or; by separate letter or telegram which includes a reference to the solicitation and amendment numbers. Failure to acknowledge any amendment by the date and time specified may result in rejection of your offer in accordance with Amendments to Solicitation (FAR 52.215-(1)(b) and Submission, Modification, Revision, and Withdrawal of Proposals (FAR 52.215-(1)(c)).

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 2
47-40 21st Street Long Island City, NY 11101
Tel: (718) 482-4997 Fax: (718) 482-4975



John P. Cahill
Commissioner

August 26, 1999

Mr. Frank Santomauro, P.E.
NY District, Corps of Engineers
Jacob K. Javits Federal Building
New York, NY 10278-0090

Re: Permit Modification Request - Seasonal Windows: Special Condition 20 (Shooters Island) and
Special Condition 21 (Contract Reach 3 - Winter flounder, Blue crab)
Kill Van Kull Deepening
DEC No. 2-6499-00002/00004

Dear Mr. Santomauro:

This is in response to your letters of June 7, 1999 and August 16, 1999 to Steven Zahn of NYSDEC, Marine Resources regarding the seasonal restrictions on dredging activities for the Kill Van Kull Deepening project. Special Condition No. 20 requires a 1000 foot buffer surrounding Shooters Island during the period of March 1 - August 31. Special Condition No. 21 contains a provision for a seasonal window from November 15 - May 31 in any portion of Contract Reach 3 determined to harbor significant populations of Winter flounder of Blue-claw crab.

Special Condition 21.

The department has determined, based on biological and habitat surveys conducted by the Corps, that Contract Reach 3 does not support significant populations of Winter flounder or Blue-claw crab. Therefore, the provision for a seasonal dredging window from November 15 - May 31 is not required. Special Condition 21 is deleted.

Special Condition 20.

DEC does not agree that there is sufficient information to consider a reduction in the seasonal dredging window surrounding Shooters Island at this time. Shooters Island has been well documented as an important nesting and foraging area for wading birds and shore birds. Over the past two breeding seasons, one-day surveys by New York Audubon have indicated that there may be a significant reduction in the number of herons using the island. However, these surveys are not as detailed or extensive as previous surveys conducted by Manumet and can not predict whether the herons will return to prior levels during the next, or subsequent breeding seasons. More detailed studies will be necessary to document the use of Shooters Island by herons and other birds. If your assessment is based on additional surveys, please forward them to us.

00902-12 (Amend. 3)

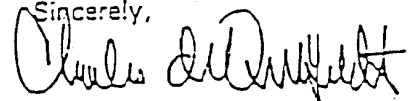
There is also some evidence that recent, temporary disturbance due to human activities on Shooters Island may have played a role in the apparent reduction in the use of the area by herons and other birds. The NYC Department of Parks and Recreation is currently responsible for the maintenance of the area. We intend pursue this matter with NYC Parks in order to investigate and rectify this situation.

Your letters stated that pre-construction monitoring will be necessary to establish the use of Shooters Island as a nesting site. We agree and express our willingness to work with you to determine the level of data necessary to make a supportable decision regarding the seasonal window. This will be needed for each breeding season that may be affected by the project. We also expect to work with you in the development of monitoring studies to evaluate dredging and blasting impacts on the wading bird and shore bird populations should they be determined necessary. If breeding populations are shown to be present, we request that the monitoring studies be designed to evaluate the impact of construction activities, particularly blasting, which may have a greater impact than dredging, beginning at a distance of at least 2500 feet from the shoreline of Shooters Island.

The Corps should plan based on the assumption that the dredging window for Shooters Island will remain in effect until it can be definitively shown that there will be no adverse affect on the nesting colonies. Since this work can not start until the beginning of next spring's breeding season, Special Condition No. 20, requiring a 1000 foot buffer around Shooters Island from March 1 - August 31, will remain in effect.

If you have any questions, please contact me at the above address, or by telephone at (718) 482-4077.

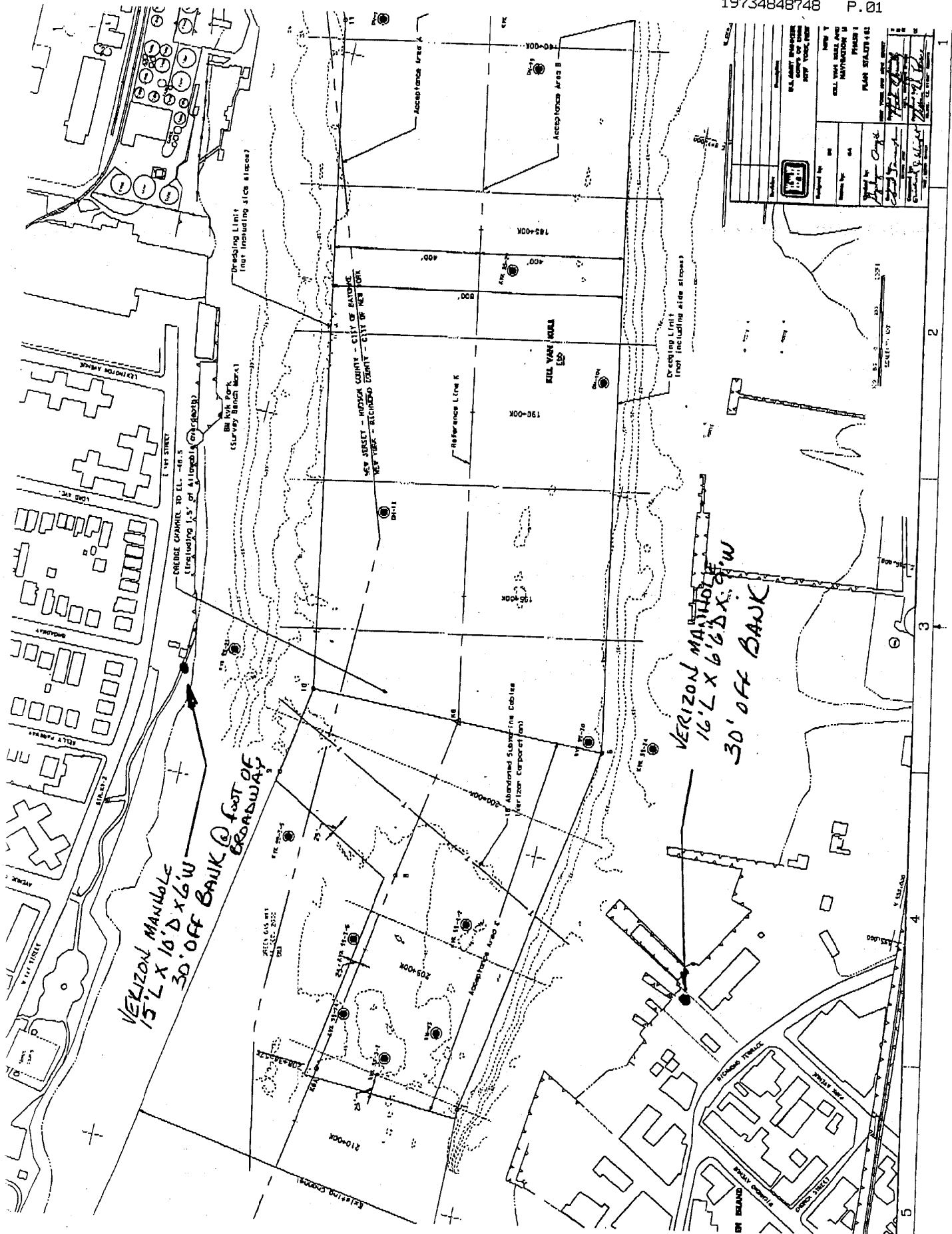
Sincerely,



Charles de Quilfeldt
Environmental Analyst 3

cc: J. Gilmore
J. Pane
S. Zahn
H. Ruben, USACE

00902-13 (Amend. 3)



02220-5 (Amend. 3)